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7 ACCEPTANCE INDEMNITY
INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10
11 ACCEPTANCE INDEMNITY
INSURANCE COMPANY,

12 Plaintiff,

13 v.

14 DESERT AUTO TRADER LLC;
15 EMMANUEL CESPEDES; LEGAL
REPRESENTATIVE OF ESTATE OF
16 DEANDRE LYLE; LEGAL
REPRESENTATIVE OF ESTATE OF
17 DANNY MIRAMONTES; AND LEGAL
REPRESENTATIVE OF ESTATE OF
18 FRANCISCO MIRAMONTES,

19 Defendants.

20 AND RELATED COUNTERCLAIM.
21

Case No. 2:18-cv-02266-RFB-DJA

**STIPULATION AND PROPOSED
ORDER TO DISMISS WITH
PREJUDICE ACTION PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 41**

Judge: Hon. Richard F. Boulware, II

22
23 WHEREAS, plaintiff Acceptance Indemnity Insurance Company
24 ("Acceptance") filed this declaratory relief action against defendants Desert Auto
25 Trader LLC ("Desert Auto Trader") and Emmanuel Cespedes, the Legal
26 Representative of Estate of Deandre Lyle, the Legal Representative of Danny

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1 Miramontes, and the Legal Representative of Estate of Francisco Miramontes
2 (collectively, the “Claimants”) to obtain a judicial declaration regarding the
3 applicable limit under a commercial auto policy issued by Acceptance to Desert
4 Auto Trader (Policy No. CG00135294) (the “Policy”) relating to an accident
5 occurring on or about September 30, 2017;

6 WHEREAS, the Claimants have made claims against Desert Auto Trader
7 arising from the Accident;

8 WHEREAS, Acceptance filed this declaratory relief action to obtain a judicial
9 declaration that a \$100,000 Each “Accident” limit under the Policy applies to all
10 claims arising from the Accident, regardless of the number of claimants;

11 WHEREAS, Acceptance’s operative pleading is the first amended complaint,
12 filed on April 10, 2019 (the “Complaint”);

13 WHEREAS, Desert Auto Trader and the Claimants initially disputed that the
14 \$100,000 Each “Accident” limit under the Policy applies to all claims arising from
15 the Accident, regardless of the number of claimants;

16 WHEREAS, on January 29, 2019, Desert Auto Trader filed a counterclaim in
17 this action against Acceptance for declaratory relief and breach of contract based on
18 allegations that the applicable limit in the Policy for the claims arising from the
19 Accident is \$300,000 (the “Counterclaim”);

20 WHEREAS, Desert Auto Trader and the Claimants now agree that the
21 \$100,000 Each “Accident” limit under the Policy applies to all claims arising from
22 the Accident, regardless of the number of claimants;

23 WHEREFORE, the Parties hereby STIPULATE, pursuant to Federal Rule of
24 Civil Procedure 41(a)(1), that the above-captioned action, including Acceptance’s
25 Complaint and Desert Auto Trader’s Counterclaim, be DISMISSED with
26 PREJUDICE.

27 ///

28 ///

1 It is so STIPULATED.

2 Dated: September 28, 2020

RICHARD HARRIS LAW FIRM

3 By: /s/ Mark L. Jackson

4 Mark L. Jackson

5 RICHARD HARRIS LAW FIRM

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10 Attorneys for Defendants

11 EMMANUEL CESPEDES, LEGAL

12 REPRESENTATIVES OF ESTATES

13 OF DEANDRE LYLE, DANNY

14 MIRAMONTES, AND FRANCISCO

15 MIRAMONTES

16 Dated: September 28, 2020

RYAN ALEXANDER, CHTD.

17 By: /s/ Ryan Alexander

18 Ryan Alexander

19 RYAN ALEXANDER, CHTD.

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24 Attorney for Defendant and

25 Counterclaimant DESERT AUTO

26 TRADER

27 Dated: September 28, 2020

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28 By: /s/ Michael W. Melendez

Michael W. Melendez

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Attorneys for Plaintiff and

Counterdefendant ACCEPTANCE

INDEMNITY INSURANCE

COMPANY

ORDER

It is hereby ORDERED, pursuant to Federal Rule of Civil Procedure 41(a)(a), that the above-captioned action, including Acceptance's Complaint and Desert Auto Trader's Counterclaim, is hereby DISMISSED with PREJUDICE.

It is so ORDERED.

Dated: September 30, 2020.



Hon. Richard H. Boulware, II
United States District Judge

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